

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer  
Ellen Gavin  
Marshall Johnson  
Phyllis A. Reha  
Gregory Scott

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of a Petition Seeking EAS for  
School District #2168, New Richland,  
Hartland, Ellendale and Clarks Grove

ISSUE DATE: February 3, 2003

DOCKET NO. P-407,546,430/CP-98-542

ORDER CERTIFYING POLLING RESULTS  
AND DENYING PETITION

**PROCEDURAL HISTORY**

On April 20, 1998, the telephone subscribers in the New Richland, Hartland, Ellendale and Clarks Grove exchanges filed a petition for School District Extended Area Service (EAS) amongst their communities. These communities comprise Independent School District No. 2168. The New Richland exchange is served by Sprint Telephone Company (Sprint). The Hartland exchange is served by Manchester-Hartland Telephone Company (Manchester-Hartland). The Clarks Grove and Ellendale exchanges are served by Citizens Telecommunications Company of Minnesota (Citizens).

On November 16, 1998, the Commission issued its ORDER REQUIRING THE FILING OF COST STUDIES AND PROPOSED RATES. The Order found, among other things, that the petition met threshold requirements of adjacency and school district residency. The Order required the incumbent local exchange carriers serving the three exchanges to determine the costs of installing and operating the proposed EAS route and to file proposed rate additives that would recover these costs.

Between July 29, 1999 and September 14, 1999, the companies filed their cost studies and proposed rate additives. However, the Commission did not proceed directly to polling. Instead, in a series of Orders issued between November 1998 and May 2001 in this and other EAS dockets, the Commission addressed a series of new issues posed by the need to adapt EAS to the competitive telecommunications market mandated by state and federal law. With these issues largely settled, the Commission met on February 5, 2002 to again consider the petition of subscribers in New Richland, Hartland, Ellendale and Clarks Grove.

On February 15, 2002, the Commission issued its ORDER SETTING EAS RATE ADDITIVES AND REQUIRING POLLING.

Between August 21 and October 11, 2002, polling of telephone subscribers in School District #2168, the New Richland, Hartland, Ellendale and Clarks Grove exchanges, was conducted.

The Commission met to consider this matter on October 24, 2002.

### **FINDINGS AND CONCLUSIONS**

The final criterion for an EAS petition is whether there is adequate customer support for the proposed EAS route. For the School District EAS sought in this petition, the statute requires that a majority of customers returning their ballots in each exchange comprising the School District must vote in favor of installing the proposed EAS. If not, the petition must be denied.

The Commission has reviewed the results of the polling of customers in the four exchanges comprising School District #2168, the New Richland, Hartland, Ellendale and Clarks Grove exchanges, and will certify the following results. The results were:

#### **Polling results for School District #2168: the New Richland, Clarks Grove, Ellendale and Hartland exchanges**

Voting Exchange	Petitioned Exchange(s)	Res. EAS Rate	Bus. EAS Rate	% Voting	Yes		No	
					#	%	#	%
New Richland:	School District EAS							
(Hickory Tech)		\$3.15	\$6.31	49.1	37	34.3	71	65.7
(Sprint)		\$3.15	\$6.31	47.6	107	34.2	206	65.8
Total New Richland				48.0	144	34.2	277	65.8
Clarks Grove	School District EAS	\$3.15	\$6.30	47.9	194	38.3	312	61.7
Ellendale	School District EAS							
(Citizens)		\$3.15	\$6.30	45.4	87	49.2	90	50.8
(Hickory Tech)		\$3.15	\$6.30	37.2	40	62.5	24	37.5
Total Ellendale				42.9	127	52.7	114	47.3
Hartland	School District EAS	\$3.15	\$4.76	60.1	134	59.8	90	40.2
Total Votes (all exchanges)					599	43.0	793	57.0

Although a majority of customers returning their ballots in New Richland and Clarks Grove voted in favor of the proposed School District EAS, a majority of the customers responding to the poll in Ellendale and Hartland voted against it. Therefore, the statutory requirement is not met and the Commission will deny this petition and direct the companies serving the exchanges comprising School District #2168 to notify their customers, as set forth in more detail in the Ordering Paragraphs.

### **ORDER**

1. The polling results for the exchanges comprising School District #2168 are hereby certified as set forth above.
2. In accord with the results of that polling, the Commission hereby denies the petition for EAS within School District #2168.
3. Within 10 days of this Order, telephone companies serving the various exchanges comprising School District #2168 (Sprint Telephone Company, Manchester-Hartland Telephone Company, and Citizens Telecommunications Company of Minnesota ) shall file a proposed customer notice for approval by Commission Staff. The notice should list the results of the polling. After approval, the companies shall serve the notice in the first possible billing cycle.
4. At the time the notices referred to in Ordering Paragraph 3 have been served, the companies shall file copies of the final notices with the Minnesota Department of Public Service and the Commission. Thereupon, this docket (P-407, 546,430/CP-98-542) will be closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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